**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

PHILLIP W. DUNN

Petitioner,

v.

KEN CLARK, Warden

Respondent.

Civil No. 08-0485 BTM (JMA)

**ORDER GRANTING REQUEST TO PROCEED IN FORMA PAUPERIS**

On March 14, 2008, Petitioner, proceeding pro se, submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. In its March 24, 2008 Order, the Court notified Petitioner that his Petition was subject to dismissal for failure to pay the filing fee or provide adequate proof of his inability to pay. Petitioner was instructed that in order to avoid dismissal of his Petition, he must pay the filing fee or provide adequate proof of his inability to pay no later than May 19, 2008. On April 14, 2008, Petitioner filed a request to proceed in forma pauperis.

According to his prison trust account statement, Petitioner has no funds on account at the California correctional institution in which he is presently confined. Petitioner cannot afford the

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$5.00 filing fee. Thus, the Court **GRANTS** Petitioner's application to proceed in forma pauperis. The Clerk of the Court shall file the Petition for Writ of Habeas Corpus without prepayment of the filing fee.

**IT IS SO ORDERED.**

DATED: April 16, 2008

Barry Ted Moskowitz

Honorable Barry Ted Moskowitz
United States District Judge